

# Exhibit 5



September 27, 2011

Jennifer V. McDowell  
75 Lamplighter Lane  
Apt. 6b  
Massapequa, NY 11758

Dear Ms. McDowell:

We have received your request to appeal the unsatisfactory hiring decision. Unfortunately, we cannot consider your appeal at this time. All appeal requests must include supporting material and /or documentation supporting a reversal of the decision to deny employment that was **not previously available** to the BAC Corporate Security Adjudication team **at the time that the decision to deny employment eligibility was initially rendered**. The appeal process is **not** an opportunity to reargue or reconsider information which has already been considered by the BAC Corporate Security Adjudication team.

Since all information you provided was previously provided to the BAC Corporate Security Adjudication team, no new information has been provided to support your appeal. The dismissal pursuant to NY CPL Section 170.55 was already taken into consideration when the original decision to deny employment was rendered.

If you can provide additional information, that was NOT already available, please contact Bank of America Corporate Security at [ml\\_corporate\\_security@bankofamerica.com](mailto:ml_corporate_security@bankofamerica.com). Be sure to include details of what specific information has changed.

Again, thank you for your interest in Bank of America and we wish you much success in your job search.

Sincerely,

Criminal Screening Investigative Services Regional Manager